

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/1161**

**Re: Property at 148 Kingsway, Dundee, DD3 8JR (“the Property”)**

**Parties:**

**Mr Michael Payne, 10 Esk Gardens, Carnoustie, Angus, DD7 6GH (“the Applicant”)**

**Mr Alexander Fyfe, Mrs Lisa Fyfe, 148 Kingsway, Dundee, DD3 8JR (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 8 October 2025 informing both parties that a CMD had been assigned for 18 November 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to

make written representations by 29 October 2025. The Tribunal did not receive written representations from the Respondents.

#### **The case management discussion – 18 November 2025**

4. The CMD took place by conference call. The Applicant joined the conference call and represented himself. The Respondents did not join the conference call and the discussion proceeded in their absence. The Tribunal explained the purpose of the CMD.
5. The Applicant advised that he has had no recent contact with the Respondents. However, he has discussed the eviction process with them and he understands that they do not object to the application. The Respondents have been in touch with the local authority and although the Applicant received a reference from the local authority last week, the Respondents do not have alternative accommodation to go to. The First Respondent is self employed and the Second Respondent's employment status is unknown. They live in the Property with their two young boys. The Respondents have been good tenants throughout the tenancy and continue to pay rent as it falls due.
6. The Applicant has produced documentation to support his application. He obtained a home report last year and he has a potential buyer who has been waiting to buy the Property if the Applicant obtains vacant possession. The Applicant owns three other rental properties, but this Property is no longer viable for the Applicant because his mortgage payments exceed the rental income. The Tribunal enquired whether the Applicant had any submissions on the possibility of the period of time for an eviction being extended slightly, given the time of year. The Applicant advised that he would not intend to enforce an eviction order before Christmas, but would prefer that an order is granted.
7. The Tribunal explained that in light of the application and supporting papers and the information provided at the CMD, it found the ground of eviction established and that it was reasonable to grant the order.

#### **Findings in Fact**

8. The Applicant is the owner and landlord of the Property at 148 Kingsway, Dundee, DD3 8JR
9. The Respondents are the tenants of the Property.
10. The parties entered into a private residential tenancy which commenced on 1 October 2020.
11. The Applicant issued a Notice to Leave to the Respondents by email on 1 December 2024.
12. The Applicant intends to sell the Property.

### **Reason for Decision**

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant provided a reason behind his intention to sell the Property. The Applicant submitted a copy of a home report which he had obtained as evidence of his intention to sell the Property. The Applicant also produced copy correspondence from his mortgage lender showing details of his contractual monthly payments. The Respondents did not produce any contradictory evidence in relation to the ground of eviction. On the basis of the evidence produced by the Applicant, the Tribunal was persuaded on the balance of probabilities that the Applicant intends to sell the Property. The Tribunal was therefore satisfied that ground 1 was established. In light of both parties' circumstances as described by the Applicant, the Tribunal was persuaded that it was reasonable to grant the order for eviction.
15. The Tribunal exercised its discretion in terms of Rule 16A to delay the execution of the order for eviction by a period of 4 weeks.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

Nicola Irvine

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Legal Member/Chair

**18 November 2025**  
Date